

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH WOLFE,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS
STATE OF WASHINGTON et al.,

Defendants.

CASE NO. C13-5523 RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR:
OCTOBER 18, 2013

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff was released from custody and the Court does not have a forwarding address for him. Mail sent to plaintiff was returned as undeliverable on July 10, 2013 (ECF No. 9). Local Rule 41(b)(2) states:

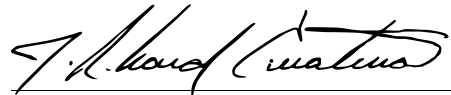
(2) A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by

1 the internet service provider, and if such plaintiff fails to notify the court and
2 opposing parties within 60 days thereafter of his or her current mailing or email
address, the court may dismiss the action without prejudice for failure to
3 prosecute.

4 Pursuant to Local Rule 41 the Court recommends dismissing this action without
prejudice.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
6 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
7 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
8 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
9 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on
10 October 18, 2013, as noted in the caption.

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12 Dated this 26th day of September, 2013.

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15 J. Richard Creatura
16 United States Magistrate Judge
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